

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JONATHAN RUSHING,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

C22-714 TSZ
(related to CR18-16 TSZ)

ORDER

Petitioner has filed a motion under 28 U.S.C. § 2255 to vacate, set aside, or correct his sentence. After a preliminary review of the § 2255 Motion, the Court does hereby ORDER that:

(1) The Clerk of Court shall arrange for service by first-class mail upon the United States Attorney of a copy of the § 2255 Motion and any attachments thereto, and of this Order. The Clerk shall also direct a copy of this Order to petitioner.

(2) Within thirty-five (35) days of the date of this Order, the United States shall file and serve an Answer in accordance with Rule 5 of the Rules Governing Section 2255 Cases in United States District Courts. As part of such Answer, the United States should state its position as to whether an evidentiary hearing is necessary, whether any issue

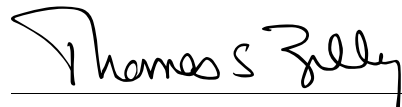
1 exists as to abuse or delay under Rule 9, and whether petitioner's motion is barred by the
2 statute of limitations.

3 (3) On the face of the Answer, the United States shall note the Answer for
4 consideration on the fourth Friday after it is filed, and the Clerk shall note the Answer
5 (and renote the § 2255 Motion) accordingly. Petitioner may file and serve a response not
6 later than on the Monday immediately preceding the Friday designated for consideration
7 of the matter (the "noting date"). The United States may file and serve a reply brief not
8 later than on the Thursday immediately preceding the noting date.

9 (4) If no Answer is timely filed, the Court will deem the § 2255 Motion ready
10 for consideration on July 19, 2022. The Clerk is directed to NOTE the § 2255 Motion,
11 docket no. 1, for July 19, 2022.

12 IT IS SO ORDERED.

13 Dated this 13th day of June, 2022.

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16 Thomas S. Zilly
17 United States District Judge
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